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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Mail Stop PV-11 • Olympia, Washington 98504-8711 • (206) 459-6000

July 19, 1991

JUL 19 1991

Ash Grove Cement West, Inc.
3801 East Marginal Way So.
Seattle, WA 98134

ATTN: Mr. Nate Fernow

Re: Water Quality Certification
Public Notice No. OYB-1-14115
Maintenance Dredging
Duwamish River @ Ash Grove

Dear Gentlemen:

The public notice for this proposed Corps of Engineers permit has been reviewed in accordance with all pertinent rules and regulations. This project entails the maintenance dredging of up to 10,000 cys of sediment that has accumulated off the wharf and conveyor system used to transfer cement-making materials. The dredged material is to be placed on the applicant's adjacent upland property and be used as a component in the cement-making process.

This agency certifies these activities comply with applicable provisions of sections 301, 302, 303, 306 and 307 of the Federal Water Pollution Control Act as amended. This certification is subject to compliance with the provisions of the enclosed Hydraulic Project Approval from the Department of Fisheries and the following:

DREDGING

1. Water quality standards pertaining to the fresh/estuarine waters of the Duwamish River (Class B) shall apply to this project except in the authorized dilution zone, which in this case shall extend 150 feet radially and 300 feet downcurrent from the point of dredging. Within the dilution zone, total dissolved oxygen levels shall not be caused to drop below 6.0 mg/L.

Care shall be taken to prevent any petroleum products, chemicals, or other toxic or deleterious materials from entering the river. If an oil sheen or distressed or dying fish are observed in the vicinity of

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dredging, the operator shall cease immediately and notify the Department of such condition. Contact Rick Vining @ 459-6038.

2. Dredging shall be conducted so as to cause the least disturbance and siltation to adjacent waters and shorelines.
3. Dredged material shall be transported and disposed of in a manner that minimizes the discharge of slurry water back into state waters.

DISPOSAL

The estimated 10,000 cys of sediments to be dredged have been sufficiently sampled and analyzed to determine that the sediments exceed applicable (PSDDA) criteria for uncontained in-water disposal. Further testing under the Toxicity Characteristic Leaching Procedure (TCLP) was carried out to determine the potential for leaching metals. No metals were detected above the 'sample detection limit' except Barium - 0.45 mg/l, which barely exceeded the SDL of 0.10 and is considerably less than the maximum allowable concentration of 100.0 mg/l.

The permittee (Ash Grove Cement) has opted to dispose of the dredged material on their own property adjacent to the dredge site and is proposing to utilize the dredged material in their cement making process as a clay/silica raw material. This disposal option is considered acceptable provided the following conditions are complied with:

4. Dredged material shall be stored within a suitably constructed containment facility that is lined and has a leachate collection system. The location and design of the facility is subject to review and approval by the City of Seattle per requirement of a Grading Permit and shall be coordinated with Ecology. Contact the above.
5. Any runoff originating from the initial placement of dredged material shall be controlled to reduce suspended solids content prior to discharge to storm drains or surface waters. Thereafter, and until the dredged material is completely used up, runoff and/or leachate originating from the facility shall be subject to special treatment unless otherwise shown to be acceptable for discharge to surface waters of the State.
6. The use of this dredged material as a raw product in the cement making process shall be in conformance with any other local, state or federal permits and/or authorizations applicable to such process, e.g., air emission limitations prescribed by the local air quality authority.

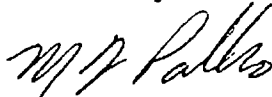
Water Quality Certification
July 19, 1991
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NOTIFICATION

The Department shall be notified at least 14 days prior to the start of dredging. Contact Rick Vining @ 459-6038.

Please note this certification does not exempt, and is provisional upon, compliance with other statutes and codes administered by federal, state and local agencies.

Sincerely,



M. F. Palko
Supervisor
Environmental Review

MFP:rv

Enclosure

cc: COE
WDOE, ER
EPA, Seattle
NWRO
Seattle-King Co. Public Health



DEPARTMENT OF FISHERIES

HYDRAULIC PROJECT

APPROVAL

R.C.W. 75.20.100

R.C.W. 75.20.103

August 20, 1991

(applicant should refer to this date in all correspondence)

PAGE 1 OF 2 PAGES

DEPARTMENT OF FISHERIES
General Administration Bldg.
Olympia, Washington 98504
(206) 753-6650

AUG 23 1991

10 LAST NAME FIRST Ash Grove Cement West, Inc.		18 CONTACT PHONE(S) 623-5596		1 CONTROL NUMBER B1-14115-03		
19 STREET OR RURAL ROUTE 3801 E. Marginal Way S., ATTN: Nathan Fernow				7	8	9 WRIA 09.0001
CITY Seattle		STATE WA		ZIP 98134		
12 WATER Duwamish River		TRIBUTARY TO Elliott Bay		11 TYPE OF PROJECT Dredging		
13 QUARTER SECTION SECTION 18		TOWNSHIP 24N		RANGE(E-W) 04E		COUNTY King
TIME LIMITATIONS:			5 THIS PROJECT MAY BEGIN Immediately		6 AND MUST BE COMPLETED BY December 31, 1992	
THIS APPROVAL IS TO BE AVAILABLE ON THE JOB SITE AT ALL TIMES AND ITS PROVISIONS FOLLOWED BY THE PERMITTEE AND OPERATOR PERFORMING THE WORK.						
SEE IMPORTANT GENERAL PROVISIONS ON REVERSE SIDE OF APPROVAL						
NOTE: This Hydraulic Project Approval (HPA) is a renewal of the original HPA issued January 11, 1991 in response to a written request by Nathan Fernow received on August 15, 1991 and it supersedes all previous HPAs and modifications for this project.						
1. Dredging shall not occur from April 1 to June 15 or July 1 to October 15 of any year.						
2. Excavated or dredged material shall not be stockpiled on a temporary or permanent basis, below the high tide line.						
3. If a hydraulic dredge is used, it is to be operated with the intake on or below the surface of the material being removed during all periods of the operation. Reverse purging of the hydraulic dredge intake line shall be held to an absolute minimum. Should purging become necessary, the intake end is not to be raised more than three (3) feet above the bed material.						
4. A floating clamshell may be used for dredging. Each pass of the clamshell bucket shall be complete, and there is to be no stockpiling in the water.						
5. Dredging operations shall be conducted at all times in such a manner as to cause little or no disturbance or siltation to the adjacent waters.						
SEPA: DNS by City of Seattle - August 11, 1989						
REGIONAL HABITAT MANAGER - Randy Carman (206) 753-2908						
PATROL - Nelson 902-2573						
APPLICANT - WILDLIFE - READER - PATROL - HAB. MGR. - WRIA						
DEPARTMENT OF FISHERIES				R. Timothy Flint for DIRECTOR		

AGC2C000841

1001 81 314

THIS APPROVAL IS TO BE AVAILABLE ON THE JOB SITE AT
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PERMITTEE AND OPERATOR PERFORMING THE WORK

THE PERSON(S) TO WHOM THIS APPROVAL IS ISSUED MAY BE HELD LIABLE FOR ANY LOSS OR DAMAGE TO FISHLIFE OR FISH HABITAT WHICH RESULTS FROM FAILURE TO COMPLY WITH THE PROVISIONS OF THIS APPROVAL.

FAILURE TO COMPLY WITH THE PROVISIONS OF THIS APPROVAL COULD RESULT IN A CIVIL PENALTY OF UP TO ONE HUNDRED DOLLARS PER DAY OR A GROSS MISDEMEANOR CHARGE, POSSIBLY PUNISHABLE BY FINE OR IMPRISONMENT.

ALL HYDRAULIC PROJECT APPROVALS ISSUED PURSUANT TO RCW 75.20.100 ARE SUBJECT TO ADDITIONAL RESTRICTIONS, CONDITIONS, OR REVOCATION IF THE DEPARTMENT OF FISHERIES OR DEPARTMENT OF WILDLIFE DETERMINE THAT NEW BIOLOGICAL OR PHYSICAL INFORMATION INDICATES THE NEED FOR SUCH ACTION. THE PERMITTEE HAS THE RIGHT PURSUANT TO CHAPTER 34.04 RCW TO APPEAL SUCH DECISIONS. ALL HYDRAULIC PROJECT APPROVALS ISSUED PURSUANT TO RCW 75.20.103 MAY BE MODIFIED BY THE DEPARTMENT OF FISHERIES OR DEPARTMENT OF WILDLIFE DUE TO CHANGED CONDITIONS AFTER CONSULTATION WITH THE PERMITTEE: PROVIDED HOWEVER, THAT SUCH MODIFICATIONS SHALL BE SUBJECT TO APPEAL TO THE HYDRAULIC APPEALS BOARD ESTABLISHED IN RCW 75.20.130.

THIS APPROVAL PERTAINS ONLY TO THE PROVISIONS OF THE FISHERIES AND WILDLIFE CODES. ADDITIONAL AUTHORIZATION FROM OTHER PUBLIC AGENCIES MAY BE NECESSARY FOR THIS PROJECT.

APPEALS - GENERAL INFORMATION

IF YOU WISH TO APPEAL DENIAL OR CONDITIONS OF AN HPA, THERE ARE INFORMAL AND FORMAL APPEAL PROCESSES AVAILABLE.

A. INFORMAL APPEALS:

AN INFORMAL APPEAL (WAC 220-110-340) CONSISTS OF CONTACTING THE REGIONAL HABITAT MANAGER AND DISCUSSING YOUR CONCERNS. MOST PROBLEMS ARE RESOLVED AT THIS LEVEL, BUT IF NOT, YOU MAY ELEVATE YOUR CONCERNS TO THE CHIEF OF THE HABITAT MANAGEMENT DIVISION IN OLYMPIA. THE HABITAT MANAGEMENT DIVISION CHIEF'S DECISION SHALL BE APPROVED OR DISAPPROVED BY THE DIRECTOR OR DESIGNER. IF YOU ARE NOT SATISFIED WITH THE RESULTS OF THIS INFORMAL APPEAL, A FORMAL APPEAL MAY BE FILED.

B. FORMAL APPEALS:

- 1) FOR ALL CIVIL PENALTY APPEALS AND FOR OTHER HPA APPEALS WHICH ARE NOT ASSOCIATED WITH IRRIGATION OR STOCK-WATERING DIVERSIONS, A WRITTEN APPEAL REQUEST MUST BE FILED WITH THE DEPARTMENT THAT ISSUED OR DENIED THE APPROVAL OR IMPOSED THE CIVIL PENALTY YOU ARE APPEALING (WAC 220-110-350).
- 2) FOR APPEALS OF DENIAL OR CONDITIONS OF AN HPA ASSOCIATED WITH IRRIGATION OR STOCK-WATERING DIVERSIONS OTHER THAN CIVIL PENALTY APPEALS, A WRITTEN APPEAL REQUEST MUST BE FILED WITH THE HYDRAULIC APPEALS BOARD PER WAC 259-04. THE MAILING ADDRESS OF THE APPEALS BOARD IS: ENVIRONMENTAL HEARINGS OFFICE, BUILDING TWO - ROWE SIX, LACEY, WASHINGTON 98504; TELEPHONE: 206/459-6327.
- 3) FAILURE TO APPEAL WITHIN 30 DAYS OF THE DATE OF ACTION YOU ARE APPEALING RESULTS IN FORFEITURE OF ALL APPEAL RIGHTS.

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AUG 23 1991



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<u>12</u> WATER Duwamish River		<u>9</u> WRIA 09.0001

6. Dredged materials shall be disposed upland, as indicated in the Corps of Engineers Public Notice, such that they do not re-enter surface waters of the state.
7. If at any time there should be fish in distress, a fish kill, or water quality problems as a result of this project, the dredging operations will be shut down immediately.
8. No deleterious materials shall be allowed to enter state waters as a result of this project.
9. Any debris resulting from this construction project shall be removed from the water and disposed of or placed in such a manner to prevent its being washed back into the water by high water or wave action.
10. Water quality is not to be degraded to the detriment of fish life as a result of this project.

If you have any questions or need additional information, please contact Randy Carman, Regional Habitat Manager at (206) 753-2908.

LOCATION: Ash Grove Cement Plant on lower Duwamish River.

lmh

cc: Rick Vining - Ecology

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